

ESTTA Tracking number: **ESTTA442322**

Filing date: **11/21/2011**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding.	92052901
Applicant	Plaintiff Whataburger Partnership
Other Party	Defendant Wala Industries, Inc.

Motion for an Extension of Answer or Discovery or Trial Periods With Consent

The Close of Discovery is currently set to close on 11/20/2011. Whataburger Partnership requests that such date be extended for 30 days, or until 12/20/2011, and that all subsequent dates be reset accordingly.

Time to Answer :	CLOSED
Deadline for Discovery Conference :	CLOSED
Discovery Opens :	CLOSED
Initial Disclosures Due :	CLOSED
Expert Disclosure Due :	11/20/2011
Discovery Closes :	12/20/2011
Plaintiff's Pretrial Disclosures :	02/03/2012
Plaintiff's 30-day Trial Period Ends :	03/19/2012
Defendant's Pretrial Disclosures :	04/03/2012
Defendant's 30-day Trial Period Ends :	05/18/2012
Plaintiff's Rebuttal Disclosures :	06/02/2012
Plaintiff's 15-day Rebuttal Period Ends :	07/02/2012

The grounds for this request are as follows:

- *Parties are unable to complete discovery/testimony during assigned period*
- *Parties are engaged in settlement discussions*
- *Plaintiff recently substituted its counsel in this and numerous other litigation matters and has been thoroughly considering the best settlement options in this case. The parties expect to resume active settlement talks soon and will work diligently to attempt to reach a final agreement. Accordingly, the parties respectfully request that the Board grant the requested extension to allow the parties to complete the settlement process. If any additional information would be helpful, please do not hesitate to contact the attorneys of record in this case. The parties also note that the TTAB#s #history text# records inaccurately indicate that Defendant requested the last extension, when it was in fact, Plaintiff (with Defendant#s consent). The TTAB is requested to update its files to reflect this.*

Whataburger Partnership has secured the express consent of all other parties to this proceeding for the extension and resetting of dates requested herein.

Whataburger Partnership has provided an e-mail address herewith for itself and for the opposing party so that any order on this motion may be issued electronically by the Board.

Certificate of Service

The undersigned hereby certifies that a copy of this paper has been served upon all parties, at their address

record by First Class Mail on this date.

Respectfully submitted,

/WCL/

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